

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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AIR EXPRESS INTERNATIONAL d/b/a DHL :  
GLOBAL FORWARDING CORPORATION, :  
an Ohio Corporation, :  
Plaintiff, :  
v. :  
LOG-NET, INC., a Delaware Corporation, :  
Defendant. :  
:

Civil Action No. 12-1732 (MAS)

**MEMORANDUM ORDER**

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The Court is in receipt of correspondence from Plaintiff Air Express International d/b/a DHL Global Forwarding Corporation (“DHL”) requesting the release of the \$1 million bond it posted in connection with the July 2012 preliminary injunction. (ECF Nos. 123, 127.) Defendant Log-Net, Inc. opposes release of the funds. (ECF No. 128.)

The Court finds DHL’s request premature. *See Sprint Commc’ns Co. L.P. v. Cat Commc’ns Int’l, Inc.*, 335 F.3d 235, 242 n.9 (3d Cir. 2003) (The “ultimate determination whether a party was wrongfully enjoined and can recover on the injunction bond generally must wait until ‘after a trial and final judgment on the merits’”) (quoting *Clark v. K-Mart Corp.*, 979 F.2d 965, 969 (3d Cir. 1992) (*en banc*)). Accordingly,

**IT IS** on this 18<sup>th</sup> day of August, 2014, **ORDERED** that:

DHL’s request for release of its injunction bond is denied without prejudice to renew following an adjudication on the merits of its claims against Log-Net.

*measdays*  
MICHAEL A. SHIPP  
UNITED STATES DISTRICT JUDGE